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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,505	10/26/2001	Naveen Prakash	13168US01	7442

7590 09/10/2004

McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th Floor  
Chicago, IL 60661

EXAMINER
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PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/055,505	Applicant(s) PRAKASH, NAVEEN	
	Examiner Namitha Pillai	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-10, 12-14 and 16-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent 5,421,008 (Banning et al.), herein referred to as Banning.

Referring to claim 1, Banning discloses a method for creating information queries to be used for locating and displaying information from a variety of applications running on a server system (column 5, lines 4-11 and Figure 1b). Banning discloses interactively displaying at least one browser-based graphical user interface screen (Figure 2). Banning discloses creating at least one condition in response to prompts from the graphical user interface screens, prompting for the logical combination of the conditions into a query and prompting for the logical combination of the queries into a complex query (column 27, lines 61-68 and column 28, lines 40-50). Banning also discloses persisting the resulting query into associated database tables (column 5, lines

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10-13). Banning also discloses executing the query and displaying the results of the query to the end user (column 5, lines 16-18).

Referring to claim 3, Banning discloses that the query includes attributes (column 5, lines 62-66).

Referring to claim 4, Banning discloses persisting the resulting query includes serializing the Where Clause and saving it with other query attributes (column 8, lines 65-66).

Referring to claim 5, Banning discloses creating at least one condition results in the formation of a plurality of logical trees corresponding to the conditions (Figure 2).

Referring to claim 6, Banning discloses that the logical trees are comprised of leaf conditions having one expression, and non-leaf conditions having more than one expression (Figure 2).

Referring to claim 7, Banning discloses that the leaf conditions can be combined into non-leaf conditions (reference number 53, Figure 2).

Referring to claim 8, Banning discloses that the non-leaf conditions can be split back into leaf conditions (Figure 2).

Referring to claim 9, Banning discloses that the plurality of logical trees are combined into one tree using logical operators (column 28, lines 65-68).

Referring to claim 10, Banning discloses the step of executing the query includes executing the query using a query-adaptor framework (column 8, lines 31-35).

Referring to claim 12, Banning discloses displaying the results includes rendering of personalization rule (PR) tags (column 8, lines 20-25).

Referring to claim 13, Banning discloses that the step of displaying the results includes rendering of micro-templates (column 8, lines 40-42).

Referring to claim 14, Banning discloses a graphical user interface that provides for creating the conditions for a Where Clause of a query in any form (Figure 2). Banning discloses at least one interactive screen to allow the user to select query leaf conditions, at least one interactive screen to allow the user to logically nest and join query leaf conditions, at least one interactive screen to allow the user to change the nesting and joining of query leaf conditions and at least one interactive screen to allow the user to repeat certain screens, thereby adding more leaf conditions, and joining them into a more complex condition (Figure 2). Banning also discloses whereby the resulting query is saved in a persistent storage for execution of the query and for display of the query results (column 5, lines 10-17).

Referring to claim 16, Banning discloses that the conditions are rendered using HTML tables (column 3, lines 40-44).

Referring to claim 17, Banning discloses that the conditions exist as trees which are grouped into sub-tree levels, and use parenthesized representation for condition sub-trees at a certain level N (column 10, lines 20-30).

Referring to claims 18 and 19, Banning discloses a tree that is only N levels deep uses HTML constructs for indentation, wherein N is 2 (column 10, lines 26-31).

Referring to claim 20, Banning discloses that the interactive screens are browser based (Figure 2).

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banning and "XML-QL: A Query Language for XML" (Deutsch et al.), herein referred to as Deutsch.

Referring to claims 2 and 15, Banning does not disclose saving the Where Clause in XML. Deutsch discloses using XML to saving the Where Clause (page 3, lines 24-32). It would have been obvious for one skilled in the art, at the time of the invention to learn from Deutsch to implement a saving means wherein the queries would be defined and saved in XML. Deutsch discloses the advantages and need for the queries to be defined and stored in XML format and its future impact on this feature (page 1, lines 22-23). Deutsch explains how XML is expected to common in the field of creating queries and hence, it would have been obvious for Banning to rely on this teaching to use XML in saving the Where Clause. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Deutsch to save the Where Clause in XML.

***Allowable Subject Matter***

4. The following is a statement of reasons for the indication of allowable subject matter: Claim 11 would be allowable wherein the claim discloses an adaptor that is specific to the Applicant's invention and has not been previously taught. The "Asera adapter-connector framework" is unique to the Applicant's claims and such a specific component would not be obvious in combination with other prior arts. This component

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that is specific to Applicant's claims has not been previously disclosed and would be considered allowable subject matter.

5. Claim 11 would be allowable if rewritten to overcome the objection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for displaying query results

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (703) 305-7691. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116.

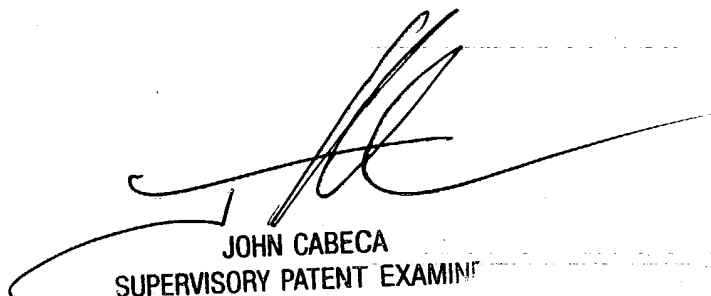


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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
September 2, 2004



JOHN CABECA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2101